

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

SCOTT CASTEEL,

Petitioner,

v.

WILLIAM GITTERE, *et al.*,

Respondents.

Case No. 3:19-cv-00342-MMD-WGC


ORDER

In this habeas corpus action, on April 30, 2020, the Court granted Respondents' motion to dismiss, dismissed certain claims of Petitioner Scott Casteel, and set a schedule for Respondents to file an Answer responding to his remaining claims. (ECF No. 38.) Respondents' Answer is due July 29, 2020—Casteel will then have 60 days to file a Reply, responding to the Answer. (See ECF No. 38.)

On May 8, 2020, Casteel filed a motion for appointment of counsel (ECF No. 39). Casteel previously filed a motion for appointment for counsel (ECF No. 7), which the Court denied (ECF No. 5). Casteel then filed a motion to reconsider, seeking reconsideration of the denial of the motion (ECF No. 9), and the Court denied the motion to reconsider as well (ECF No. 10). "Indigent state prisoners applying for habeas corpus relief are not entitled to appointed counsel unless the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations." *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986) (citing *Kreiling v. Field*, 431 F.2d 638, 640 (9th Cir. 1970) (per curiam)). The Court may, however, appoint counsel at any stage of the proceedings "if the interests of justice so require." See 18 U.S.C. § 3006A; see also Rule 8(c), Rules Governing § 2254 Cases; *Chaney*, 801 F.2d at 1196. The Court remains of the view that appointment of counsel is unwarranted in this case.

1 It is therefore ordered that Petitioner's motion for appointment of counsel (ECF No.
2 39) is denied.

3 DATED THIS 15th day of May 2020.

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6 MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE